

Serial No. 10/618,977

PATENT

REMARKS

Upon entry of the amendments above, claims 35-48 are pending.

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Telephone Interview

Applicants gratefully acknowledge the telephone interview with Examiner Thomas Sweet on January 31, 2007. During the interview, the Applicants requested entry of the present claim amendment cancelling the previously pending claims and entering new claims prior to the Examiner search and examination of the present application on the merits. The Examiner indicated that Applicants would be entitled to amend the claims prior to search and examination.

Claim Amendments

The Applicants have amended the claims to focus on a preferred embodiment described in the specification, for example in Figure 8. All new claims are supported in the specification as originally filed. No new matter is added.

Support for the recitation of the method of delivering lipophilic bioactive material recited in claim 35 is found, for example, at paragraphs [0006], [0014], [0015], [0017], [0032] of the corresponding published application (US 2004-0073284 A1). Support for the recitation of inflation times of up to about one minute is found at paragraph [0014]; recitation of

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paclitaxel or paclitaxel derivative bioactive material is found at paragraph [0058]; recitation of a bioactive material comprising a diagnostic agent is found at paragraph [0011]; recitation of a blood vessel or coronary artery as a body vessel is found at paragraphs [0012] and [0045]; recitation of "a total of about 5 to about 500 micrograms of the lipophilic bioactive material" is found at paragraph [0068]; recitation of "without implanting a stent within the body vessel" is supported at paragraph [0093]; recitation of a balloon comprising a polyamide, polypropylene, polyether block amide (PEBAX) and polyethylene is found at paragraphs [0020] and [0021]; recitation of transferring the bioactive material to the inner wall of the body vessel is found at paragraph [0014]; recitation of percutaneous insertion of the expandable balloon is found at paragraph [0006]; support for recitation of contacting the inflated balloon with the inner wall of the body vessel for up to about 20 minutes is found in paragraph [0100]; and support for the recitation of 0.2 to about 20 micrograms of paclitaxel or a paclitaxel derivative per mm<sup>2</sup> is found in paragraph [0068] (i.e., 5-500 micrograms/25mm<sup>2</sup>).

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Conclusion

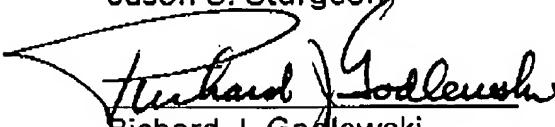
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If, for any reason, the Examiner is unable to allow the application and feels that an interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned attorney at (812) 330-1824.

Respectfully submitted,

Brian L. Bates  
Scott E. Boatman  
David G. Burton  
Michael C. Hoffa  
Anthony O. Ragheb  
Darin G. Schaeffer  
Jason S. Sturgeon

Dated: Feb 1, 2007

  
Richard J. Godlewski.  
Registration No. 30,056  
Attorney for Applicants